

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

SANDRA THOMASON, on behalf of)	Civil Action No.: 4:15-cv-3161-RBH
herself and all other similarly situated,)	
)	
Plaintiffs,)	
)	
v.)	ORDER
)	
FGX INTERNATIONAL, INC.,)	
)	
Defendant.)	
)	

This action arises from Plaintiff's allegations that Defendant has violated 29 U.S.C. § 216(b) (the "Fair Labor Standards Act") and/or S.C. Code Ann. § 41-10-10 et seq. (the "South Carolina Payment of Wage Statutes"). Presently before the Court is Defendant's Motion for Leave to Proffer Live Demonstrative Evidence of the Parties' Arbitration Agreement Process. [ECF #28]. For the following reasons, the Court denies Defendant's motion.

On September 29, 2015, Defendant filed a Motion to Dismiss, Strike Class and Collective Action Claims, and Compel Individual Arbitration. [ECF #8]. Plaintiff filed a response, and on May 9, 2016, this Court heard oral argument from both parties regarding this outstanding motion. Both parties had sufficient time to prepare for the hearing and present their argument to the Court. Defendant now seeks permission to demonstrate live the process an employee would undertake on the computer to access the information related to the arbitration agreement. [ECF #28, p. 2]. Defendant has previously provided this Court with computer screenshots of the access screen where the arbitration agreement would have appeared to Plaintiff. [ECF #8, Ex. 1 and Ex. 2].

Accordingly, given the fact that this Court has previously been provided these exhibits, in addition to the ample time spent analyzing the electronic agreement issue during the hearing, this Court does not find that a live demonstration would provide any additional assistance in understanding the manner in which Plaintiff accessed, viewed, and allegedly agreed to the agreement in question.

IT IS THEREFORE ORDERED that Defendant's motion for leave to proffer live demonstrative evidence of the parties' arbitration agreement process [ECF #28] is **DENIED**.

IT IS SO ORDERED.

Florence, South Carolina
June 13, 2016

s/ R. Bryan Harwell
R. Bryan Harwell
United States District Judge